

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert MARTUZA et al.

Title: REPLICATION-  
COMPETENT HERPES  
SIMPLEX VIRUS  
MEDIATES DESTRUCTION  
OF NEOPLASTIC CELLS

Appl. No.: 10/788,410

Appl. Filing Date: 3/1/2004

Examiner: Wu Cheng Winston Shen

Art Unit: 1632

Confirmation  
Number: 4953

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- Please enter and consider the amendment and/or reply previously filed on \_\_\_\_.
- Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_\_ but not considered.
- Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_\_\_.
- Other \_\_\_\_.

b. Enclosed are:

- Amendment/Reply.
- Affidavit(s)/Declaration(s).
- Information Disclosure Statement.
- Form PTO/SB/08 with copies of \_\_\_\_ listed reference(s).
- Other .

Miscellaneous:

- Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$810.00	= \$810.00
Total Claims:	9	-	20 = 0	x \$52.00	= \$0.00
Independents	1	-	3 = 0	x \$220.00	= \$0.00

First presentation of any Multiple Dependent Claims:	+	\$390.00	=	\$0.00	
				<b>CLAIMS FEE TOTAL:</b>	<b>=</b>
				<b>\$810.00</b>	

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[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ X ] Extension for response filed within the first month:	\$130.00	1	\$130.00
[ ] Extension for response filed within the second month:	\$490.00		\$0.00
[ ] Extension for response filed within the third month:	\$1,110.00		\$0.00
[ ] Extension for response filed within the fourth month:	\$1,730.00		\$0.00
[ ] Extension for response filed within the fifth month:	\$2,350.00		\$0.00
<b>EXTENSION FEE SUBTOTAL:</b>			
<b>EXTENSION FEE ALREADY PAID:</b> -			
<b>EXTENSION FEE TOTAL</b>			
<b>CLAIMS AND EXTENSION FEE TOTAL:</b>			
[ X ] Small Entity Fees Apply (subtract ½ of above):	\$940.00		\$470.00
[ ] Suspension of action requested under 37 C.F.R. § 1.103(c)	\$0.00		
<b>TOTAL FEE:</b>			

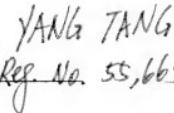
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The above-identified fees of \$470.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By   
for   
YANG TANG  
Ref. No. 55,663

Date 18 December 2008

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Stephen A. Bent  
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